IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

Bail Appl..No. 1200 of 2007()

CC.2055/2003 of J.M.F.C.-I, ALUVA

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: PETITIONER(ACCUSED)

P.J.GEORGE, AGED 81 YEARS,
S/O.JOSEPH PALLIVATHUKKAL,
PALLIVATHUKKAL PUTHEN VEEDU,
THUMPAMON P.O., PANDALAM,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: (COMPLAINANT & STATE)

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1. P.G.VENUGOPALAN NAIR, S/O.GOPALA PILLAI,
SREE NILAYAM, PURAYAR, CHOWARA, ALUVA.

2. SUB INSPECTOR OF POLICE,
ALUVA.

3. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1200 OF 2007

Dated this the 1st day of March, 2007

O R D E R

Petitioner, who is the accused in C.C.No.2055/2003 on the file of JFCM-I, Aluva for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner before the said court, admittedly non-bailable warrants of arrest are pending against him. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the concerned Magistrate and seek regular bail after apprising the Magistrate of his age and physical condition. The petitioner is stated to be aged 82 years and suffering from sciatica of the right leg and other rheumatic problems. I am sure that the learned Magistrate will not insist on the personal appearance of the petitioner for the trial of the case unless it is so inevitable. Accordingly, if the petitioner surrenders before the JFCM-I, Aluva and files an application for regular bail, within one month from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the age and decrepit condition of the petitioner. Until such consideration, the warrant, if any, pending against the petitioner shall not be executed.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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